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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 BERTON G. TOAVS,

Case No. 3:12-cv-00449-MMD-WGC

10 Plaintiff,

11 v.

ORDER ACCEPTING REPORT AND  
RECOMMENDATION

12 ROBERT BANNISTER, et. al.,

13 Defendants.

14 Before the Court is the Report and Recommendation of United States Magistrate  
15 Judge William G. Cobb ("R&R") (dkt. no. 45) recommending the Court deny Plaintiff  
16 Berton Toav's Motion for Leave to Amend ("Motion") (dkt. no. 43). Objections were due  
17 by May 31, 2014, but no objection was filed.

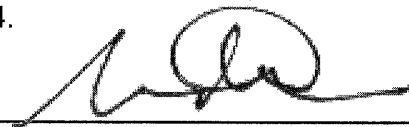
18 This Court "may accept, reject, or modify, in whole or in part, the findings or  
19 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely  
20 objects to a magistrate judge's report and recommendation, then the court is required to  
21 "make a *de novo* determination of those portions of the [report and recommendation] to  
22 which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however,  
23 the court is not required to conduct "any review at all . . . of any issue that is not the  
24 subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth  
25 Circuit has recognized that a district court is not required to review a magistrate judge's  
26 report and recommendation where no objections have been filed. *See United States v.*  
27 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review  
28 employed by the district court when reviewing a report and recommendation to which no

1 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.  
2 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that  
3 district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.  
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt the R&R. The R&R finds that the Motion should be denied  
10 because: (1) Plaintiff did not show good cause for filing the Motion outside the  
11 parameters of the scheduling order; and (2) Plaintiff did not cure any of the deficiencies  
12 noted in Judge Cobb's previous order denying Plaintiff's previous motion for leave to  
13 amend. (Dkt. no. 45 at 6, 9–10.) The Court agrees. Upon the review of the filings and the  
14 record, the Court determines that the R&R should be adopted and the Motion denied.

15 It is therefore ordered that the Report and Recommendation of Magistrate Judge  
16 William G. Cobb ("R&R") (dkt. no. 45) is accepted and adopted in its entirety. Plaintiff's  
17 Motion for Leave to Amend ("Motion") (dkt. no. 43) is denied.

18 DATED THIS 19<sup>th</sup> day of June 2014.

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22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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